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DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Subcase No.: 37-460

Case No. 39576

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT / RESPONDENT:

Elizabeth J. Burnett
Elizabeth J. Burnett

8/2/06
Date

Montie S. Day
Montie S. Day

8-2-06
Date

OBJECTOR:

United States on behalf of the
Bureau of Land Management

Larry A. Brown 8/7/06
Larry A. Brown *FWP* Date
Attorney, U.S. Department of Justice
Environment and Natural Resources

IDWR CONCURRENCE:

Carter Fritschle 7-27-06
Carter Fritschle Date
Section Manager Adjudication Bureau

Nicholas B. Spender 7-27-06
Nicholas B. Spender Date
Deputy Attorney General
Attorney for IDWR
Approved as to form

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-460

NAME AND ADDRESS:

ELIZABETH J BURNETT
PO BOX 1045
SHOSHONE ID 83352-1045

MONTIE S DAY
PO BOX 1045
SHOSHONE ID 83352

SOURCE:

Source:
LITTLE WOOD RIVER

Tributary:

MALAD RIVER

QUANTITY:

4.000 CFS

PRIORITY DATE:

06/03/1884

POINT OF DIVERSION:

T05S R16E S25 SENE
Within LINCOLN County

T05S R16E S25 SENE
Within LINCOLN County

Two points of diversion located in T05S, R16E, S25, SENE.

Das

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

03/15 11/15

4.000 CFS

PLACE OF USE:

IRRIGATION

within LINCOLN County

T05S R16E S24 NESW 6.9

T05S R16E S24 SWSW 3.5

T05S R16E S24 SESW 23.0

T05S R16E S24 NWSE 3.6

T05S R16E S24 SWSE 16.0

T05S R16E S25 NENE 37.0

T05S R16E S25 NWNE 24.0

T05S R16E S25 SWNE 22.0

T05S R16E S25 SENE 12.0

T05S R16E S25 NENW 31.0

T05S R16E S25 NWNW 17.0

T05S R16E S25 SENW 2.3

T05S R16E S25 NWSE 0.8

~~T05S R16E S24 SWSW 2.9~~

~~T05S R16E S25 NWNE 23.0~~

Fwp
CA
NBS
MSD
8/3

199.1 ACRES TOTAL

197.5 ACRES TOTAL

Place of use does not include federal public lands

Right Nos. 37-460, 37-461 and 37-10343 are limited to the irrigation of a combined total of ~~197.5~~ 199.1 acres in a single irrigation season.

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Delivery of this right is subject to the water exchange provisions contained in Bureau of Reclamation contract no. 14-06-W-73, executed October 14, 1954, between the United States of America and American Falls Reservoir District No. 2, as supplemented by Bureau of Reclamation contract no. 14-06-100-6031, executed June 1, 1962, between and among the United States of America, American Falls Reservoir District No. 2, and the Big Wood Canal Company.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Use of this right is combined with water from Big Wood Canal Co.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Water is delivered through the Mc Fall Headgates, Numbers 76 and 77.

Fup

MSD
CJB

Jes

ct
NBS

CERTIFICATE OF SERVICE

I certify that on Aug. 6, 2006, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

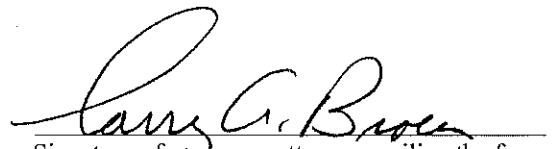
☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Elizabeth J. Burnett
Montie S. Day
P.O. Box 1045
Shoshone, ID 83352

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

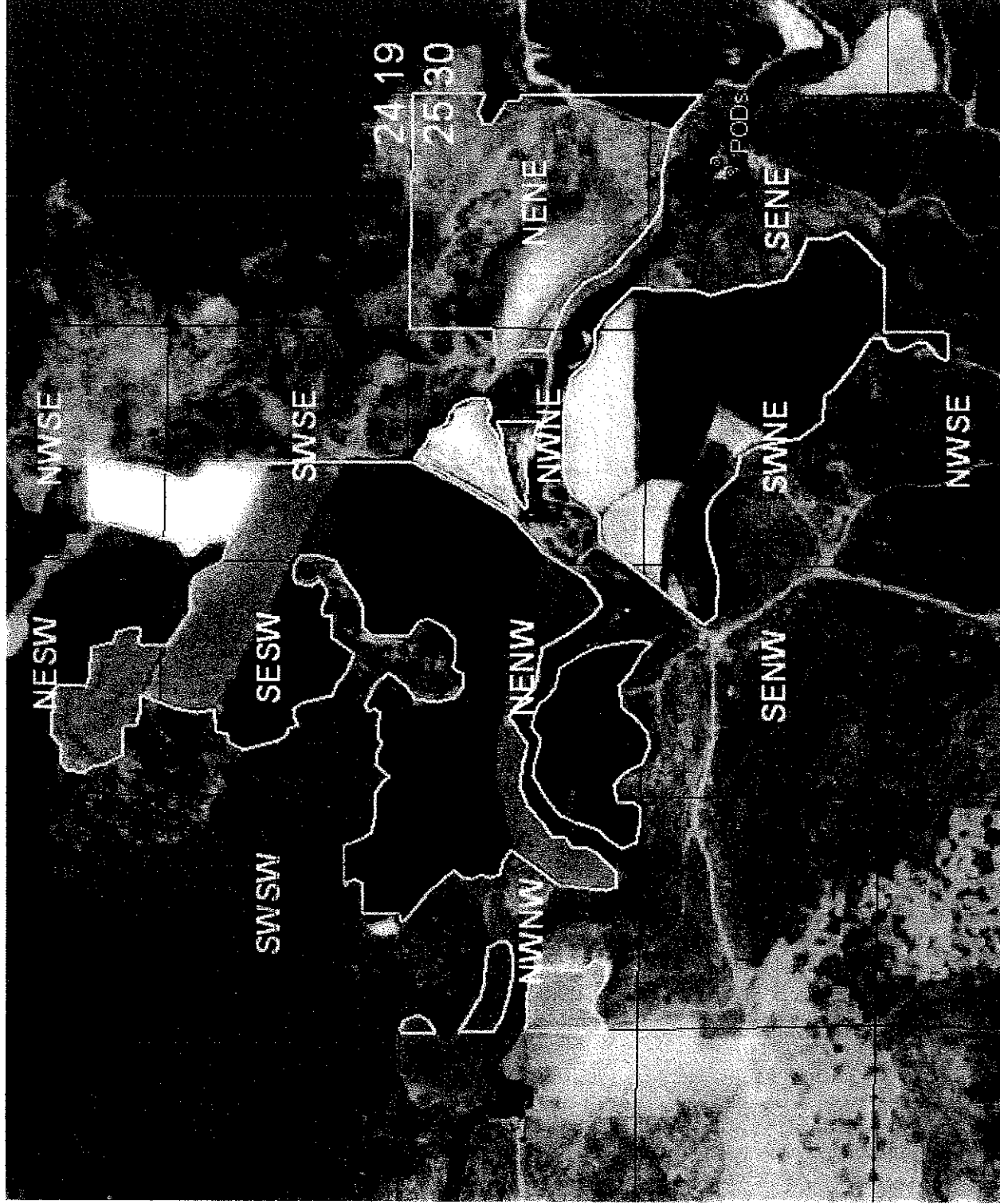
U.S. Department of Justice
Environment & Nat'l Resources Div.
550 W. Fort St., MSC 033
Boise, ID 83724

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile


Signature of person or attorney mailing the form

37-460 37-461 & 37-10343

T05S R16E
S24 & S25



Map prepared by: Carter Fritschle
Date prepared: 09/23/03
1987-1988 NAPP photography
Idaho Department of Water Resources
Revised 12/16/03 & 07/18/06